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FORM First Named Inventor Nicholas W. DAWES Art Unit 2666 **Examiner Name** Frank Duong (to be used for all correspondence after initial filing) Attorney Docket Number 551P08US-1 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC **V** Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): 1) Request for Continued Examination Request for Refund Express Abandonment Request 2) Interview Summary CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) The Commissioner is hereby authorized to debit any underpayment or credit any overpayment Reply to Missing Parts/ to the USPTO deposit account no. 16-0600 should any additional fees be necessary. Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Shapiro Cohen Signature Printed name Dennis S. K. Leung Date Rea. No. May 31, 2005 47,325 **CERTIFICATE OF TRANSMISSION/MAILING** I heraby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.

09/678,783

Applicant

Nicholas W. DAWES et al.

Filed

October 4, 2000

TC/AU

2666

Examiner

Frank Duong

Docket No.

551P08US01

May 31, 2005

Commissioner for Patents U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, Mail Stop AF Crystal Plaza Two, Lobby, Room 1B03 Arlington, Virginia 22202 U.S.A.

APPLICANT INITIATED INTERVIEW SUMMARY

Dear Sir:

A Telephone Examiner Interview was conducted on May 4, 2005 with Examiner Frank Duong.

Examiner Duong confirmed that he had received a Proposed Amendment sent via facsimile on May 3, 2005, containing a listing of Claims.

Examiner Duong followed by urging Applicant to incorporate Claim 17 into Claim 1 as the Applicant would obtain a swift allowance of the case. Mr. Leung acknowledged that he would require specific approval from the Applicant to narrow the scope of each of Claims 1 to 10, as suggested, by including aspects of allowable Claim 17 directed toward measuring a network performance of each segment in the routing.

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Mr. Leung advised that in Applicant's view there are patentable distinctions over the Grau et al. prior art patent. The Grau et al. patent is directed toward a route tracing tool, which does not determine the topology of a network, but rather traces the routing between known network nodes to display these tracings in a graphical user interface. In contrast, Mr. Leung explained that the present invention is directed towards determining the connections between network objects in a network, in order to subsequently determine the routing of packets between network objects through WAN and LAN segments.

Mr. Leung remarked that the Grau et al. patent discloses, at column 8, line 14, that "the atlas manager creates a new atlas by invoking the atlas creator from the network topology database". Thus, the Grau et al. patent teaches that the network topology is known, and furthermore that the Grau et al. patent does not determine any of the connections between network nodes.

Mr. Leung thereafter discussed with the Examiner a separate Proposed Amendment in which Claim 1 was amended to expressly stipulate that the claimed methodology determined connections between network objects.

While Examiner Duong agreed that the Grau et al. patent may not teach the same invention, Examiner Duong was uncertain as to whether Applicant's proposed amendment of Claim 1 would be allowed.

Examiner Duong explained that Claim 1 as proposed to be amended by Applicant is would likely not be allowed because the addition of a new limitation would require a further review and thus necessitate filing a Request for Continued Examination (RCE). Examiner Duong therefore explained that unless Claim 17 is imported into Claim 1, Applicant would be required to file an RCE to have the Examiner review the Claims. Examiner Duong also

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suggested that the limitation in Claim 2 may be allowable in view of the discussions in the Interview, were Applicant to import the subject matter of Claim 2 into the proposed Claim 1. Examiner Duong further stated that provided no other references were found that anticipated the limitation of Claim 2, Claim 1, amended to include the limitation of Claim 2, that is, the limitation in Claim 1 a) would read "dividing said network into LAN segments of non-routing objects and WAN segments of routing objects connecting said LAN segments", would likely be deemed allowable.

In sum, Examiner Duong advised that were Applicant to amend Claim 17 into Claim 1, the objected to Claims Applicant proposed would be allowed. However, if Applicant responded with the Claim amendments as proposed, Applicant would be required to the file an RCE at an additional cost to have the Examiner review the Claims and search the prior art. No agreement was reached in the Examiner Interview.

Conclusion

Should any further fees or payments be necessary for entry of this amendment and further prosecution of this application, the undersigned hereby authorizes the Commissioner to debit and/or credit our Deposit Account No. 16-0600.

Respectfully Submitted,

Dennis S. K. Lleung

Reg. No. 47,325

C/O SHAPIRO COHEN P.O. Box 3440 Station D Ottawa, ON K1P 6P1 CANADA

Telephone: (613)232-5300

/DSKL/NR/ms